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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,431	01/30/2004	Deborah Lewandowski Barclay	LUC-463/Barclay 12-10-6-9	8752
47382 7590 09/16/2008 PATTI, HEWITT & AREZINA LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602				
EXAMINER				
AJIBADE AKONAI OLUMIDE				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
09/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/768,431

Applicant(s)

BARCLAY ET AL.

Examiner

OLUMIDE T. AJIBADE AKONAI

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 20 2008 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 21 is directed to "a computer-readable medium", where the specification specifically mentions the computer-readable medium comprising "a modulated carrier signal" (see page 12 of the specification, lines 16-19), which do not fall under statutory subject matter.

Claim 21 also lacks the proper preamble necessary for a statutory computer program product claim. The examiner suggests a preamble as follows: "a computer-readable medium" encoded with "computer executable instructions". Correction is required.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to neither a "process" nor a "machine," but rather embraces or overlaps two

different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding **claim 21**, the applicant discloses ("in the claims") **"A computer-readable medium having computer executable for performing steps, comprising.... means in the one or more media for receiving, in response to the request, the one or more positions of the one or more mobile stations; and means in one or more media for determining the one more positions of the one or more mobile stations continuously....."** (see page 9 of the claims, lines 10-13). However, it is not clear and adequately disclosed how the "computer-readable medium" is able to accomplish both of these tasks. The specification discloses a network component 105 (see fig. 1) initiating a request for one or more positions of one or more mobile stations to a switch component 110 (see page 4 of the specification, lines 9-11, page 5, lines 15-17, page 8, lines 3-9). The switch component and position component 115 (see fig. 1)

cooperate to determine the position of the one or more mobile devices (see page 8, lines 11-21). The positions of the one or more mobile stations are then provided to the network component 105 (see page 8, lines 21-23, page 9, and lines 1-2). This clearly indicates the entity, component, or computer-readable medium for initiating a request to a switch component for one or more positions of one or more mobile stations, and for receiving in response to the request, the one or more positions of the one or more mobile stations, is different and separate from the entity, component, or computer-readable medium for determining the one or more positions of the one or more mobile stations continuously. However, the computer-readable-medium of claim 21 seems to claim a means for performing all these functions, which is clearly not what is disclosed in the applicant's specification. This limitation is not adequately supported by the specification and constitutes new matter. The examiner respectfully requests that the applicant provide page(s), line(s), and figure(s) of the instant application that supports this limitation of the claim.

5. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding **claim 21**, the applicant discloses ("in the claims") **""A computer-readable medium having computer executable for performing steps, comprising.... means in the one or more media for receiving, in response to the request, the one or more positions of the one or more mobile stations; and means**

in one or more media for determining the one more positions of the one or more mobile stations continuously....." (see page 9 of the claims, lines 10-13). However, it is not clear and adequately disclosed in the specification how the "computer-readable medium" is able to accomplish both of these tasks. The specification discloses a network component 105 (see fig. 1) initiating a request for one or more positions of one or more mobile stations to a switch component 110 (see page 4 of the specification, lines 9-11, page 5, lines 15-17, page 8, lines 3-9). The switch component and position component 115 (see fig. 1) cooperate to determine the position of the one or more mobile devices (see page 8, lines 11-21). The positions of the one or more mobile stations are then provided to the network component 105 (see page 8, lines 21-23, page 9, and lines 1-2). This clearly indicates the entity, component, or computer-readable medium for initiating a request to a switch component for one or more positions of one or more mobile stations, and for receiving in response to the request, the one or more positions of the one or more mobile stations, is different and separate from the entity, component, or computer-readable medium for determining the one or more positions of the one or more mobile stations continuously. However, the computer-readable-medium of claim 21 seems to claim a means for performing all these functions, which is clearly not what is disclosed in the applicant's specification, therefore making claim 21 non-enabling.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 is directed to both an apparatus and the method steps of using the apparatus. Therefore, claim 21 is indefinite under 35 U.S.C. 112 (see MPEP 2173.05(p)).

Claim 21 recites the limitation "the one or more media" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-13, 16-20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Havinis et al 6,463,289 (hereinafter Havinis)** in view of **O'Donnell 6,266,514** and **Kalev 6,308,071** and **Hsu et al 7,272,387 (hereinafter Hsu)** and **Lipsanen et al 7,103,345 (hereinafter Lipsanen)**.

Regarding **claims 1 and 18**, Havinis discloses an apparatus (see fig. 3) and method comprising: a network component (GMLC 290, see figs. 3 and 4, col. 4, lines 39-43) that employs one or more call characteristics (routing information for MS 20, see col. 4, lines 47-58) to make a determination to initiate a request to a switch component (MSC/CLR 14, see figs. 3 and 4, col. 4, lines 47-58) for one or more positions of one or more mobile stations (GMLC 290, using the routing information received from the HLR 26 associated with the MSISDN of MS 20, to send a positioning request to the MSC/VLR 14, see col. 4, lines 47-58); wherein the network component receives, in response to the request, the one or more positions of the positions of the one or more mobile stations from a position component (SMLC 270, see figs. 3 and 4, col. 5, lines 22-23) that determines the one of more positions of the one or more mobile stations (GMLC 290 receives location of MS 20 from the SMLC after the SMLC calculates the position of the MS 20, see figs. 3 and 4, col. 5, lines 21-37).

Havinis does not specifically disclose determining the one of more positions of the one or more mobile stations from a position component that determines the one or more positions of the one or more stations continuously.

O'Donnell however, discloses determining the one of more positions of the one or more mobile stations from a position component (positioning function 8, see col. 6, lines 21-38) that determines the one or more positions of the one or more stations continuously (the automatic mapping of areas with poor wireless coverage using mobile position information is done in real time, indicating that the processes involved the automatic mapping, including the determination of the position of the mobile station is done continuously, broadly reading on applicant claimed limitation of "continuously", see col. 6, lines 21-38, col. 7, lines 36-47).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of O'Donnell, by constantly determining the location of a mobile, into the system of Havinis as disclosed for the benefit of indicating the current location of the mobile device.

Havinis as modified by O'Donnell does not disclose a network component that employs one or more call parameters to identify one or more cellular network cells associated with the one or more mobile stations.

In the same field of endeavor, Kalev discloses a network component (base station controller 4, see figs. 1 and 2, col. 3, lines 30-32) that employs one or more call parameters (location area code LAC and cell identity CI, see fig. 3a, col. 5, lines 10-15)

to identify one or more cellular network cells associated with the one or more mobile stations (see col. 5, lines 6-16).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the above teaching of Kalev, by transmitting the LAC and CI of the cells A, B, C and D from the operation and maintenance center (OMC) to the base station controller, into the system of Havinis as modified by O'Donnell for the benefit of providing mobile traffic information that can be used for network planning.

Havinis as modified by O'Donnell and Kalev, does not explicitly disclose wherein at least one of the one or more call parameters employed to identify one or more cellular network cells is a telephony number of the one or more mobile stations.

Hsu however, discloses in a GSM network (see figs. 1 and 2, col. 2, lines 27-35), determining one or more cellular network cells (LA1, LA2, or LA3, see figs. 1 and 2, col. 2, lines 40-45, lines 61-67, col. 3, lines 1-10), using one or more call parameters, wherein the at least one or more call parameters employed to identify the one or more cellular network cells is a telephony number of the one or more mobile stations (using the MSISDN of a mobile station MS to determine the LA of the MS, see figs. 1 and 2, col. 2, lines 40-45, lines 61-67, col. 3, lines 1-10).

It would therefore have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teaching of Hsu, by inquiring the MSISDN of the mobile station from the VLR, into the system of Havinis as modified by

O'Donnell and Kalev for the purpose of determining the location area LA in which the mobile station is located.

Havinis as modified by O'Donnell, Kalev and Hsu do not specifically disclose wherein the switch component assigns a channel to the at least one of the one or more mobile stations for a call upon a comparison of a calling party number with the at least one of the one or more call parameters.

In the same field of endeavor, Lipsanen discloses in a telecommunication network including a cellular radio telephone network (see fig. 1), a switch component (MSC 1, see fig. 1, col. 3, line 16), wherein the switch component assigns a channel to the at least one of the one or more mobile stations for a call upon a comparison of a calling party number (A-number, see col. 3, lines 40-41) with the call parameter (assigning a channel communication for call between mobile terminal 4 and a fixed telephone 5, wherein the MSC searches a database to verify the A-number before assigning a channel for communication between the mobile telephone 4 and fixed telephone 5, see fig. 1, col. 3, lines 38-56, col. 4, lines 6-13).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Lipsanen, by having the MSC conduct a search of a database for the A-number in response from a call from a mobile terminal, into the system of Havinis as modified by O'Donnell and Kalev and Hsu, for the benefit of verifying the right of the calling party to place a call.

Regarding **claim 2**, as applied to claim 1, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further

discloses wherein the network component (base station controller BSC, see figs. 3, lines 33-38) performs a comparison of one or more call characteristics (measurements are compared to specified threshold values, signal strength, see col. 6, lines 6-23, 39-46) with one or more thresholds (see col. 6, lines 6-23) to make the determination to initiate the request for the one or more positions of the one or more mobile stations (BSC requests for the position of mobile station 4 if the signal strength falls below a specified threshold value, see figs. 3 and 4, col. 6, lines 6-38).

Regarding **claim 3**, as applied to claim 2, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the one or more call characteristics comprise a pilot signal strength characteristic (signal strength, see col. 6, lines 39-46), and wherein the one or more thresholds comprise a pilot signal strength threshold (see col. 6, lines 6-23), and wherein the network component (base station controller BSC, see figs. 3, lines 33-38) performs a comparison of the pilot signal strength characteristic with the pilot signal strength threshold (measurements are compared to specified signal strength threshold values, see col. 6, lines 6-23, 39-46); and wherein the network component makes the determination to initiate the request for the one or more positions of the one or more mobile stations based on a result of the comparison of the pilot signal strength characteristic with the pilot signal strength threshold (BSC requests for the position of mobile station 4 if the signal strength falls below a specified threshold value, see figs. 3 and 4, col. 6, lines 6-38).

Regarding **claim 4**, as applied to claim 2, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the network component (base station controller BSC, see figs. 3, lines 33-38) employs one or more call characteristics (signal strength, see col. 6, lines 39-46) to create one or more call statistics (dropped calls see col. 6, lines 60-63), and wherein the one or more thresholds comprise one or more call characteristic thresholds (see col. 6, lines 6-23) and one or more call statistic thresholds (accumulation of dropped calls, see col. 6, lines 60-67, col. 7, lines 1-7); and wherein the network component performs a comparison of the one or more call statistics with the one or more call statistic thresholds (when dropped calls are identified, the positioning function of the BSC is activated to determine the location of the mobile station, see col. 6, lines 60-67, col. 7, lines 1-9); and wherein the network component employs a comparison of the one or more call characteristics with the one or more call characteristic thresholds (measurements are compared to specified signal strength threshold values, see col. 6, lines 6-23, 39-46) and the comparison of the one or more call statistics with the one or more call statistic thresholds to make the determination to initiate the request (when dropped calls are identified, the positioning function of the BSC is activated to determine the location of the mobile station, see col. 6, lines 60-67, col. 7, lines 1-9).

Regarding **claim 5**, as applied to claim 2, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the network component (base station controller BSC, see figs. 3, lines 33-38) comprises an interface (inherent since the BSC receives one or more

quality characteristic threshold levels from the operations and management center, OMC 1, thereby requiring that the BSC have an interface to receive the threshold values from the OMC, see figs. 3 and 4, col. 3, lines 60-66), and wherein the network component receives the one or more thresholds from a service provider (operations and management center, OMC 1, see figs. 3 and 4, col. 3, lines 60-66) through employment of the interface (BSC receives one or more quality characteristic threshold levels from the operations and management center, OMC 1, see figs. 3 and 4, col. 3, lines 60-66).

Regarding **claim 6**, as applied to claim 1, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the network component (base station controller BSC, see figs. 3, lines 33-38) employs the determination to initiate the request to promote an avoidance of congestion in one or more cellular network communication paths (automatically mapping the areas of poor coverage helps in that minimal loading is required on the current system, see col. 7, lines 36-47).

Regarding **claim 7**, as applied to claim 6, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the network component (base station controller BSC, see figs. 3, lines 33-38) makes the determination to initiate the request upon an exceedance of the one or more call characteristics relative to one or more thresholds (BSC requests for the position of mobile station 4 if the signal strength is above a specified threshold value, see figs. 3 and 4, col. 6, lines 6-38); and wherein upon the exceedance of the one or more call characteristics relative to the one or more thresholds, the network component

and the position component (GPS receiver 220, see fig. 2, col. 5, line 6) cooperate to obtain the one or more positions of the one or more mobile stations (see col. 4, lines 66-67, col. 5, lines 1-7).

Regarding **claim 8**, as applied to claim 7, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein upon a termination of the exceedance of the one or more call characteristics relative to the one or more thresholds (see col. 5, lines 33-59), the network component (base station controller BSC, see figs. 3, lines 33-38) and the position component (GPS receiver 220, see fig. 2, col. 5, line 6) cooperate to discontinue attainment of the one or more positions of the one or more mobile stations (see col. 5, lines 33-59).

Regarding **claim 9**, as applied to claim 1, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the network component (base station controller BSC, see figs. 3, lines 33-38) employs the one or more call characteristics (signal strength, see col. 6, lines 39-46) to perform a selection of the one or more mobile stations from a plurality of mobile stations (mobile stations 4 transmit signal quality measurements to the BSC and if the measured signal strength is below of above a threshold value, the BSC identifies the location of the associated mobile station 9, see figs. 3 and 4, col. 6, lines 6-23), and wherein the network component employs the selection to formulate the request for the one or more positions of the one or more mobile stations from the plurality of mobile stations (see figs. 3 and 4, col. 6, lines 6-23).

Regarding **claim 10**, as applied to claim 1, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the one or more mobile stations (mobile stations 4, see fig. 3, col. 6, line 11) are associated with the one or more cellular network cells (see col. 5, lines 60-67, col. 6, lines 1-5); and wherein the network component (base station controller BSC, see figs. 3, lines 33-38) employs the one or more call characteristics (signal strength, see col. 6, lines 39-46) to perform a selection of the one or more cellular network cells from a plurality of cellular network cells (mobile stations 4 transmit signal quality measurements to the BSC and if the measured signal strength is below of above a threshold value, the BSC identifies the location of the associated mobile station 9, see figs. 3 and 4, col. 5, lines 60-67, col. 6, lines 1-23); and wherein the network component employs the selection to formulate the request for the one or more positions of the one or more mobile stations that are associated with the one or more cellular network cells (see figs. 3 and 4, col. 6, lines 6-23).

Regarding **claim 11**, as applied to claim 10, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the network component (base station controller BSC, see figs. 3, lines 33-38) employs the switch component (mobile switching center MSC, see col. 5, lines 40-42) to identify the one or more mobile stations that are associated with the one or more cellular network cells (see col. 5, lines 32-49); and wherein the network component employs the switch component to determine the one or more positions of

the one or more mobile stations that are associated with the one or more cellular network cells (see col. 5, lines 32-49).

Regarding **claim 12**, as applied to claim 1, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the network component (base station controller BSC, see figs. 3, lines 33-38) receives the one or more positions of the one or more mobile stations in response to the request (mobile station transmits location information to the BSC, see figs. 3 and 4, col. 6, lines 24-28); and wherein the network component employs the one or more positions of the one or more mobile stations and the one or more call characteristics to develop a coverage map (the determined geographical can be mapped to provide a visual representation of areas wit poor coverage, see col. 4, lines 45-52).

Regarding **claim 13**, as applied to claim 1, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses the switch component (mobile switching center MSC, see col. 5, lines 40-42) that provides the one or more call characteristics (signal strength, see col. 6, lines 39-46) to the network component (base station controller BSC, see figs. 3, lines 33-38), wherein the network component employs the one or more call characteristics to make a determination to initiate a request to the switch component (BSC requests for the position of mobile station 4 if the signal strength falls below a specified threshold value, see figs. 3 and 4, col. 6, lines 6-38); and wherein the switch component obtains the one

or more positions of the one or more mobile stations based on the request to the switch component (see col. 5, lines 33-49).

Regarding **claim 16**, as applied to claim 13, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the network component (base station controller BSC, see figs. 3, lines 33-38) and the switch component (mobile switching center MSC, see col. 5, lines 40-42) receive the one or more positions of the one or more mobile stations from the position component (the MSC and BSC receive the current location of the mobile station, see col. 5, lines 33-49, col. 6, lines 38); and wherein the network component and the switch component cooperate to develop a coverage map through employment of the one or more positions of the one or more mobile stations (see col. 5, lines 49-52, col. 6, lines 32-38).

Regarding **claim 17**, as applied to claim 16, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the position component (GPS 220, see fig. 2, col. 5, line 6) employs one or more of an Enhanced Forward Link Trilateration algorithm and an 1S-80I solution using an Assisted Global Positioning System (AGPS), Advanced Forward Link Trilateration (AFLT) or combined AGPS/MLT algorithm to determine the one or more positions of the one or more mobile stations (the position of the mobile station can be determined using the GPS receiver in the mobile station or by employing triangulation, see col. 5, lines 2-19, col. 6, lines 24-32).

Regarding **claim 19**, as applied to claim 18, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the step of initiating the request for the one or more positions of the one or more mobile stations through employment of the one or more call characteristics comprises the steps of: performing a comparison of the one or more call characteristics with one or

more thresholds (BSC requests for the position of mobile station 4 if the signal strength falls below a specified threshold value, see figs. 3 and 4, col. 6, lines 6-38).

, and initiating the request for the one or more positions of the one or more mobile stations based on the comparison (BSC requests for the position of mobile station 4 if the signal strength falls below a specified threshold value, see figs. 3 and 4, col. 6, lines 6-38).

Regarding **claim 20**, as applied to claim 19, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the step of initiating the request for the one or more positions of the one or more mobile stations based on the comparison comprises the steps of: determining the one or more call parameters (BSC compiles the mobile station identification, see col. 6, lines 32-35) associated with the one or more thresholds (see col. 6, line 32-38), identifying the one or more mobile stations from a plurality of mobile stations through employment of the one or more call parameters (see col. 6, line 32-38); and initiating the request for the one or more positions of the one or more mobile stations through employment of the one or more call parameters (BSC requests for the

position of mobile station 4 if the signal strength falls below a specified threshold value, see figs. 3 and 4, col. 6, lines 6-38).

Regarding **claim 23**, Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen discloses the claimed invention. In addition, O'Donnell further discloses wherein the thresholds provide a measure of a quality of service provided to the one or more mobile stations (see col. 6, lines 39-39).

9. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Havinis et al 6,463,289 (hereinafter Havinis)** in view of **O'Donnell 6,266,514** and **Kalev 6,308,071** and **Hsu et al 7,272,387 (hereinafter Hsu)** and **Lipsanen et al 7,103,345 (hereinafter Lipsanen)** as applied to claim 13 above, and further in view of **Jeong (20050119013)**.

Regarding **claim 14**, as applied to claim 13, Havinis as modified by O'Donnell, modified by Kalev, Hsu and Lipsanen discloses the claimed invention except wherein the network component provides to the switch component one or more call parameters; wherein the switch component employs the one or more call parameters to perform an identification of the one or more mobile stations from a plurality of mobile stations wherein the switch component employs the identification of the one or more mobile stations from the plurality of mobile stations to obtain the one or more positions of the one or more mobile stations.

In an analogous art, Jeong teaches wherein the network component (BSC 30, see fig. 1, p.2, [0026]) provides to the switch component (MSC/VLR_1, see fig. 8, p.4, [0048]) one or more call parameters (see fig. 8, p.4, [0048]); wherein the switch

component employs the one or more call parameters (phone number of mobile station MS_2, see fig. 8, p.4, [0048]-[0050]) to perform an identification of the one or more mobile stations from a plurality of mobile stations (see figs. 1 and 8, p.4, [0048]), wherein the switch component employs the identification of the one or more mobile stations from the plurality of mobile stations to obtain the one or more positions of the one or more mobile stations (the MSC/VLR_1 utilizes the phone number to determine the location of MS_2, see fig. 8, p.4, [0050]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Jeong into the system of Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen for the benefit of reducing the loads in the Home Locator Register.

Regarding **claim 15**, as applied to claim 14, the combination of Havinis, O'Donnell, Kalev, Hsu, Lipsanen and Jeong disclose the claimed invention.

Havinis, O'Donnell, Kalev, Hsu and Lipsanen do not disclose wherein the one or more mobile stations are associated with one or more calls; wherein the switch component employs the one or more call parameters to perform an identification of the one or more calls from a plurality of calls, wherein the switch component employs the identification of the one or more calls from the plurality of calls to obtain the one or more positions of the one or more mobile stations that are associated with the one or more calls.

Jeong, however, further discloses wherein the one or more mobile stations (MS_1 and MS_2, see p.4, [0048]) are associated with one or more calls; wherein the

switch component (MSC/VLR_1, see fig. 8, p.4, [0048]) employs the one or more call parameters (phone number of mobile station MS_2, see fig. 8, p.4, [0048]-[0050]) to perform an identification of the one or more calls from a plurality of calls (see figs. 1 and 8, p.4, [0048]-[0050]), wherein the switch component employs the identification of the one or more calls from the plurality of calls to obtain the one or more positions of the one or more mobile stations that are associated with the one or more calls (the MSC/VLR_1 utilizes the phone number to determine the location of MS_2, see fig. 8, p.4, [0050]).

It would therefore have been obvious to one of ordinary skill in the art to further modify the combination of Havinis, O'Donnell, Kalev, Hsu, Lipsanen and Jeong for the benefit of connecting a call.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Havinis et al 6,463,289 (hereinafter Havinis)** in view of **O'Donnell 6,266,514** and **Kalev 6,308,071** and **Hsu et al 7,272,387 (hereinafter Hsu)** and **Lipsanen et al 7,103,345 (hereinafter Lipsanen)** as applied to claim 16 above and further in view of **Alperovich et al 6,233,448 (hereinafter Alperovich)**.

Regarding **claim 22**, as applied to claim 16, Havinis as modified by O'Donnell, modified by Kalev, Hsu and Lipsanen discloses the claimed limitation except wherein the position determination component is pre-provisioned with one or more intervals of time to determine the one or more positions of the one or more mobile stations.

Alperovich, however, discloses a position determination component that is pre-provisioned with one or more intervals of time to determine the one or more positions of the one or more mobile stations (see fig. 1, col. 3, lines 29-64).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Alperovich into the system of Havinis as modified by O'Donnell, Kalev, Hsu and Lipsanen for the benefit of determining the current position of a mobile station.

Response to Arguments

11. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Veerasamy et al 7,113,793 discloses a system and method for identifying coverage holes in a wireless network.

Wegner et al 6,463,287 discloses apparatus method and systems relating to a wireless geographical positioning system including a system for monitoring and analyzing characteristics of a wireless telecommunications network.

Oesterling 7,373,152 discloses radio signal strength mapping through a telematics system.

Weaver et al 7,206,573 discloses a method and system for facilitating determination of call-drop locations in a wireless network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

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